

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENDRIK BLOCK,

Plaintiff,

V.

BARNES & NOBLE BOOKSELLERS,
INC., et al.,

Defendants.

Case No. 1:20-cv-00096-NONE-BAM

**ORDER GRANTING STIPULATION TO
EXTEND DEFENDANT VILLAGIO
SHOPPING CENTER, LLC'S DEADLINE
TO RESPOND TO COMPLAINT**

(Doc. No. 11)

Currently before the Court is a stipulation to extend the time for Defendant Villagio Shopping Center, LLC (“Villagio”) to respond to the complaint. (Doc. No. 11.)

Local Rule 144(a) provides that “an initial stipulation extending time for no more than twenty-eight (28) days to respond to a complaint . . . may be filed without approval of the Court if the stipulation is signed on behalf of all parties who have appeared in the action and are affected by the stipulation.” Stipulations extending time to respond to a complaint or counterclaim for more than twenty-eight (28) days must be approved by the Court. L.R. 144(a).

Here, the parties' stipulation represents that the parties have agreed to extend Villagio's time to respond to the complaint to April 8, 2020, and that no order is required because the extension does not exceed twenty-eight days. However, according to the stipulation and the proofs of service filed by Plaintiff, Villagio was served by substituted service pursuant to state law on January 23, 2020. (Doc. Nos. 7, 11.) Thus, it appears that Villagio's response to the complaint was due on or about February 24, 2020. See Fed. R. Civ. P. 4(h)(1)(A), 6(a)(1)(C),

1 12(a); Cal. Code Civ. P. 415.20. As the extension sought exceeds twenty-eight days, Court
2 approval is required. L.R. 144(a). The parties additionally filed their stipulation for an extension
3 of time on March 23, 2020, after the deadline for Villagio's response had lapsed. *See* Local Rule
4 144(d) ("Requests for Court-approved extensions brought on the required filing date for the
5 pleading or other document are looked upon with disfavor.") Nonetheless, based upon the
6 parties' consent to the amended deadlines, and in the interest of justice, the Court finds that the
7 parties' request is warranted and no prejudice will result.

8 Accordingly, IT IS HEREBY ORDERED that Villagio Shopping Center, LLC's response
9 to the complaint shall be filed and served on or before April 8, 2020.

10 IT IS SO ORDERED.
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12 Dated: March 24, 2020

13 /s/ *Barbara A. McAuliffe*
14 UNITED STATES MAGISTRATE JUDGE

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